

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Arlyn Rodriguez	Team: Team # 3	CCRB Case #: 201210577	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/03/2012 7:30 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 88	18 Mo. SOL 1/3/2014	EO SOL 1/3/2014	
Date/Time CV Reported Thu, 08/16/2012 9:49 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/16/2012 9:49 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. CPT Scott Henderson	00000	915880	088 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Robin Lewis	01985	914122	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.CPT Scott Henderson	Abuse: Cpt. Scott Henderson supervised the entry and search of § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]

Case Summary

On August 16, 2012, § 87(2)(b) a non-witnessing complainant, filed a complaint via telephone with the CCRB on behalf of her husband, § 87(2)(b) (encl. B1 – B-2). On July 3, 2012, at approximately 7:30 a.m., officers from the 88th Precinct and the Intelligence Criminal Section entered and searched § 87(2)(b)'s residence, located at § 87(2)(b), in Brooklyn. The following allegation resulted from the officers' actions:

- **Allegation A – Abuse of Authority: Officers entered and searched of § 87(2)(b) in Brooklyn.**

§ 87(2)(g)

Results of Investigation

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 5' 5" tall, weighs 200 pounds, and has brown eyes.

Notice of Claim

On § 87(2)(b), § 87(2)(b) filed a Notice of Claim against the City of New York (encl. C-1 – C-2). § 87(2)(b) stated within the Notice of Claim that officers unlawfully entered and searched his home. § 87(2)(b) was unable to identify any of the subject officers.

CCRB Testimony

On September 19, 2012, § 87(2)(b) was interviewed at the CCRB (encl. C-4 – C-7). § 87(2)(g) Any additions or exceptions are noted below.

On July 3, 2012, at approximately 7:30 a.m., § 87(2)(b) was alone in the living room of his residence, § 87(2)(b), in Brooklyn. Suddenly, he heard an unusual, loud noise, similar to that of an electric saw, emanating from his apartment door. Frightened, § 87(2)(b) approached his apartment door and, through the door's peephole, observed several unidentified officers carrying shields. Immediately thereafter, the officers knocked on the door and § 87(2)(b) told the officers to wait, as he was going to open the door shortly. However, before § 87(2)(b) had the opportunity to open the door, the officers allegedly broke the door open. The impact of the entry caused § 87(2)(b) to fall on his hips and legs in the space directly between the wall and his couch. Shortly thereafter, unidentified officers allegedly placed § 87(2)(b) in handcuffs and threw him on his couch. In response, § 87(2)(b) told the officers that they were confused.

A few moments later, approximately five additional unidentified officers arrived on the scene. Two of the officers asked § 87(2)(b) if anyone else lives at his residence and informed § 87(2)(b) that they were searching for a young Black male who sells marijuana. In response, § 87(2)(b) told the two officers that they could search anywhere in his house, as he had nothing to hide. Shortly thereafter, an officer retrieved a pair of shorts for § 87(2)(b). At some point during the search, several unidentified officers allegedly vacillated to and fro in the apartment, joking and laughing. Furthermore, § 87(2)(b)'s neighbor, § 87(2)(b) exited her apartment twice to watch the incident. However, each time, unidentified officers ordered § 87(2)(b) to return to her apartment and § 87(2)(b) complied. Sometime during the search, § 87(2)(b) signed an unidentified officer's memo book. Each room was searched and several closet doors broken during the incident. The entire search lasted approximately 20-25 minutes. No items were recovered as a result of the search.

Approximately fifteen to twenty minutes after the officers exited his apartment, § 87(2)(b) arrived at a local New York City Housing office with his neighbor, § 87(2)(b) identified via the investigation as § 87(2)(b) to report the incident. As a result, later that day, Housing employees repaired § 87(2)(b)'s door. Shortly thereafter, § 87(2)(b) arrived at the 88th Precinct stationhouse and pointed out several officers that were on the scene. At approximately 1 p.m., § 87(2)(b) arrived at § 87(2)(b) with his wife, § 87(2)(b) to receive treatment for his back (as it was in pain as a result of the police entry). No serious injuries were detected during the medical visit.

NYPD Statements

- § 87(2)(g) [REDACTED]
[REDACTED]

NYPD Documents

Search Warrant

- Search warrant number § 87(2)(b) contained the following information (encl. E-2): IDS # § 87(2)(b) Safenet # § 87(2)(b) signed by Honorable Judge § 87(2)(b) County Kings, requesting officer Sgt. Robin Lewis, Tax # 914122, from the Intelligence Criminal Section, and supervisor Cpt. Scott Henderson, Tax # 915880, from the 88th Precinct. The warrant was obtained on § 87(2)(b) and was executed on July 3, 2012. The aforesaid information was obtained from the NYPD's Monitoring Analysis Section (MAS).

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) (encl. C-1 – C-2) and is suing for \$5,000,000.00. The civil suit is still pending. An email received from the Comptroller's Office on October 9, 2012 stated that a 50h Hearing is scheduled for § 87(2)(b) in regards to this civil suit.

Criminal Conviction History

- § 87(2)(b) [REDACTED]
[REDACTED]

CCRB History of Civilians

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A-2) and § 87(2)(b) (encl. A-3).

CCRB History of Subject Officers

Cpt. Henderson has been a member of the service for 17 years and has four substantiated CCRB allegations against him (enc. A-1).

- In CCRB case number 9903758, the NYPD administered instructions to Cpt. Henderson based on a CCRB substantiation of two stop and frisk allegations. The NYPD disposition date is not available.
- In CCRB case number 200205513, in November 2003, the NYPD administered command discipline A to Cpt. Henderson for a substantiated discourtesy (word) allegation and a discourtesy (action) allegation.

Conclusion

Identification of Subject Officers

- Cpt. Henderson is listed as the supervising officer on the search warrant. § 87(2)(g) [REDACTED]
[REDACTED]

Allegations Not Pleaded

- § 87(2)(g) [REDACTED]
[REDACTED]

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Officers entered and searched § 87(2)(b), in Brooklyn

It is undisputed that officers entered and searched § 87(2)(b)'s residence in connection with a valid search warrant. Search warrant number § 87(2)(b) for § 87(2)(b), in the Bronx, was obtained on § 87(2)(b) and was executed on July 3, 2012. As stated in *NYS Criminal Procedure Law (CPL) 690.50 §1*, “an officer may forcibly enter and search a residence to execute the warrant (encl. AA-1).” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: 3

Investigator:	<u>Arlyn Rodriguez</u>	<u>10/05/2012</u>
	Signature	Print
		Date

Supervisor:		
	Title/Signature	Print
		Date

Reviewer:		
	Title/Signature	Print
		Date

Reviewer:		
	Title/Signature	Print
		Date